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September 27, 2016

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

RE: Notice of Ex Parte Communication, WC Docket Nos. 10-90, 14-58  
and 14-259

Dear Secretary Dortch:

On September 23, 2016, the undersigned, along with Jeffrey S. Nordhaus, Executive Vice President, Innovation & Broadband, Empire State Development (“ESD”) and Charles Small, Associate Director of Federal Affairs of the Washington D.C. Office of Governor Andrew Cuomo, spoke by conference call with Stephanie Weiner, Chairman Wheeler’s senior legal advisor, and Carol Matthey and Alexander Minard from the Wireline Competition Bureau to discuss the above-captioned proceedings.

The purpose of the call was to discuss how to resolve the issues raised in the recent comments submitted by ESD and the New York State Public Service Commission in the above-captioned dockets. In particular, the parties discussed approaches that would allow broadband providers in affected states to “step into the shoes” of the carriers that previously declined the CAF funding and access that funding if certain conditions are met. This approach would encourage states to commit their own funds for broadband deployment, minimizing additional burdens on the federal Universal Service Fund and increasing the likelihood of bringing broadband to affected states. It would also provide significant cost efficiencies and

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financial synergies that cannot be achieved under any of the alternative approaches proposed by the Commission in the *Further Notice*.

This letter is being submitted electronically in the above-referenced dockets pursuant to Section 1.1206(b) of the Commission's Rules. Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/

John M. Beahn

*Counsel to Empire State Development*

cc: Stephanie Weiner  
Carol Matthey  
Alexander Minard